



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Montana State Office
5001 Southgate Drive
Billings, Montana 59101-4669
www.blm.gov/montana-dakotas
March 6, 2018

In Reply Refer To:
3100 (MT922.AG)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
7013 1710 0002 0475 4785

Mike O'Connor
PO Box 152
Fishtail, Montana 59028

DECISION

PROTEST DISMISSED

I. INTRODUCTION

On December 14, 2017, a Lease Sale Notice for the Montana State Office (MSO), March 13, 2018, Competitive Oil and Gas Lease Sale was posted, which initiated a 30-day protest period. At the same time, the Billings Field Office (BiFO) Oil and Gas Leasing Environmental Assessment (EA), updated after a 30-day public comment period, was made available to the public.

In a fax to the Bureau of Land Management (BLM) dated January 13, 2018 (Enclosure 1), Mike O'Connor (Protester) submitted a timely protest to the inclusion of one polygon of parcel MTM 79010-JJ, located in the BiFO planning area, Montana.

II. BACKGROUND

Public scoping for this lease sale was conducted from August 15-29, 2017. This scoping period was announced in a press release issued by the Montana State Office. The BiFO also posted National Environmental Policy Act (NEPA) notification log, reference number DOI-BLM-MT-L002-2017-0002-EA. In addition, the MSO mailed surface owner notification letters explaining the oil and gas leasing and planning processes. The letters requested written comments regarding any issues or concerns that should be addressed in the EA being prepared for the parcel. The Protester did not submit scoping comments at that time.

On September 30, 2017, the BLM Montana/Dakotas released the BiFO Oil and Gas Leasing EA for a 30-day public comment period. The EA analyzed the potential effects from offering 76 nominated lease parcels in Montana containing 52,297 acres of Federal Mineral Estate in the

March 13, 2018, Competitive Oil and Gas Lease Sale. Relevant public comments received during this process were addressed in the EA, as appropriate. The Protester submitted comments on the EA regarding cultural resources, wildlife, water, soils, vegetation, timber, and fire. The EA was updated and posted, along with the competitive sale list, on December 14, 2017, on the BLM's ePlanning website for a 30-day protest period.

After a review of potential environmental impacts presented in the EA and the public comments, the Billings Field Manager recommended that 53 parcels be included in the March 13, 2018 lease sale. As a result of the Decision Record, a total of 53 nominated lease parcels (36,631 acres of Federal minerals) in the BiFO planning area would be offered for lease at the MSO, March 13, 2018, Competitive Oil and Gas Sale with lease stipulations and/or lease notices as necessary for the proper protection and conservation of the resources associated with the lease issuances.

III. PROTEST SUMMARY

Protest Summary: The Protester submitted a timely protest (via fax) dated January 13, 2018, to the inclusion of one polygon (476 acres) of one parcel identified in the MSO, March 13, 2018, Notice of Competitive Oil and Gas Lease Sale. The Protester expressed concerns about NEPA, hydraulic fracturing, wildlife, soils and water resources.

BLM Response:

The BLM Montana State Director has decided to defer lease parcel MTM 79010-JJ from the MSO, March 13, 2018, Notice of Competitive Oil and Gas Lease Sale.

IV. CONCLUSION

The BLM dismisses this protest as moot.

The BLM, in accordance with existing regulations and policies, will defer leasing actions and will not offer for lease the one protested parcel as described in the MSO, March 13, 2018, Notice of Competitive Oil and Gas Lease Sale.

Administrative Review and Appeal

This Decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 C.F.R. § 4 and Form 1842-1 (Enclosure 2). If an appeal is taken, the Notice of Appeal must be filed in the Montana State Office at the above address within 30 days from receipt of this Decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this Decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay must show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for stay must be submitted to the IBLA and the appropriate Office of the Solicitor (see 43 C.F.R. § 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall be evaluated based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

/s/ Donato J. Judice

Donato J. Judice
Deputy State Director
Energy, Minerals, & Realty

2 Enclosures

- 1- O'Connor Protest Letter Dated January 13, 2018 (4 pp)
- 2- Form 1842-1 (2 pp)

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